

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

Case No. 03-md-1570 (GBD)(SN)

FIONA HAVLISH, individually and on behalf of the
ESTATE OF DONALD G. HAVLISH, JR., Deceased, *et al.*,

Case No. 03-cv-9848 (GBD)(SN)

Creditors,

v.

THE TALIBAN, *et al.*,

Debtors,

FEDERAL RESERVE BANK OF NEW YORK,

Garnishee.

**DECLARATION OF DOUGLASS A. MITCHELL IN SUPPORT OF
THE HAVLISH CREDITORS' MOTION FOR AN ORDER DIRECTING
ALTERNATIVE SERVICE UPON THE TALIBAN AND DA AFGHANISTAN BANK**

I, Douglass A. Mitchell, hereby declare:

1. I am an attorney duly licensed to practice law in the state of Nevada and admitted to the bar of this Court *pro hac vice*. I am a partner with Jenner & Block LLP, counsel to Judgment Creditors Fiona Havlish, et al. (the "Havlish Creditors") in the above-captioned action. I make this declaration in support of the Havlish Creditors' Motion for an Order Directing Alternative Service Upon the Taliban and Da Afghanistan Bank. Except for those matters on information and belief, which I believe to be true, I have firsthand knowledge of the contents of this declaration and I could testify thereto.

2. The Havlish Creditors seek to serve the Taliban with their Turnover Motion papers by publication in three international newspapers. Such service is warranted under the

circumstances of this case, particularly as more traditional methods of service would be unfeasible. I am aware of no international conventions governing service of process in this case. I am also not aware of a physical or email address where service could be directed upon the Taliban. As documented in the exhibits below, mail delivery from the United States to Afghanistan is currently suspended, and the country's security situation remains precarious.

3. Attached hereto as **Exhibits 1, 2, 3, and 4** respectively are true and correct copies of screen captures from the websites of the United States Postal Service (USPS), United Parcel Service (UPS), FedEx, and DHL, each showing that mail service to Afghanistan from the United States was still suspended as of March 16, 2022.

4. Attached hereto as **Exhibit 5** is a true and correct copy of a screen capture of the U.S. Department of State's website, showing its travel advisory for Afghanistan as of March 16, 2022.

5. Attached hereto as **Exhibit 6** is a true and correct copy of a New York Times article entitled: *Taliban and 9/11 Families Fight for Billions in Frozen Afghan Funds*, dated November 29, 2021, <https://www.nytimes.com/2021/11/29/us/politics/taliban-afghanistan-911-families-frozen-funds.html>.

6. Attached hereto as **Exhibit 7** is a true and correct copy of a Washington Post article entitled: *Biden Proposes Splitting Billions in Afghanistan Funds Between 9/11 Victims and Humanitarian Aid*, dated February 11, 2022, <https://www.washingtonpost.com/politics/2022/02/11/biden-afghanistan-sept-11-victims/>.

7. Attached hereto as **Exhibit 8** is a true and correct copy of an Associated Press article entitled: *Biden Freezes Frozen Afghan Billions for Relief, 9/11 Victims*, dated February 11,

2022, <https://apnews.com/article/joe-biden-business-united-states-terrorism-b2743737c3286dbba95a7663615e37be>.

8. Attached hereto as **Exhibit 9** is a true and correct copy of a screen capture of the page on Da Afghanistan Bank's website that describes DAB's "Supreme Council" and lists Dr. Shah Mehrabi as one of its members, available at <https://www.dab.gov.af/supreme-council2> (last accessed March 21, 2022).

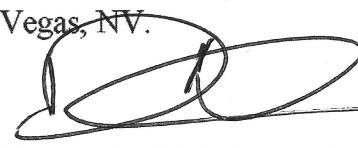
9. Attached hereto as **Exhibit 10** is a true and correct copy of a screen capture of the homepage on Da Afghanistan Bank's website, dab.gov.af, that displays the email address info@dab.gov.af.

10. Attached hereto as **Exhibit 11** is a true and correct copy of the text of a press release posted to Da Afghanistan Bank's website entitled *Press Release of Da Afghanistan Bank on the Decision of United States of America Regarding the Foreign Exchange Reserves of Afghanistan*, dated February 12, 2022, available at <https://www.dab.gov.af/press-release-da-afghanistan-bank-decision-united-states-america-regarding-foreign-exchange> (last accessed March 21, 2022).

11. Attached hereto as **Exhibit 12** is a true and correct copy of the cover letter that accompanied service of the Havlish Creditors' turnover motion papers on Da Afghanistan Bank via Dr. Shah Mehrabi on March 20, 2022.

I declare that the foregoing is true under penalty of perjury of the laws of the United States.
Executed this 21st day of March at Las Vegas, NV.

By:



Douglass A. Mitchell